

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

WALTER W. WALLACE, et al., )  
Plaintiffs, )  
v. ) No. 4:15CV1560 NCC  
ST. LOUIS COUNTY JUSTICE )  
CENTER, et al., )  
Defendants. )

## **OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on its own motion. This action was filed jointly by twelve prisoners. Multiple prisoners may not join together in a single lawsuit under Rule 20 of the Federal Rules of Civil Procedure. *Georgoff v. Barnes*, 2:09-CV-14-ERW, 2009WL1405497 (E.D. Mo. 2009); *Jones v. Abby*, 2009WL2169894 (E.D. Mo. 2009). Moreover, the Court notes that only Walter W. Wallace has signed the complaint and has filed a motion for leave to proceed in forma pauperis along with a certified inmate account statement. As a result, the Court will retain Walter W. Wallace as the sole plaintiff in this action and will strike the other eleven individuals named as plaintiffs in the caption of the complaint.

To the extent that plaintiff Walters is seeking to bring a class action, his request is denied. Under Rule 23(a)(4), a class representative must “fairly and adequately protect the interests of the class.” Additionally, a litigant may bring his own claims to federal court without counsel, but not the claims of others. *See* 28 U.S.C. § 1654; *see also* 7A Wright, Miller & Kane, Federal Practice and Procedure: Civil 3d § 1769.1 (“class representatives cannot appear pro se.”).

The Court will instruct plaintiff Wallace to file an amended complaint on a court-provided form, as follows:

All claims in an action must be included in one, centralized complaint form, as neither the Court nor defendants wish to search through supplemental and prior pleadings in order to piece together plaintiff’s claims. **As such, plaintiff is warned that the filing of an amended complaint replaces the original complaint and all previously-filed pleadings and supplements, and therefore, he must include each and every one of the claims he wishes to pursue in the amended complaint.**

*See, e.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). **Any claims from the original complaint, supplements, and/or pleadings that are not included in the amended complaint will be deemed abandoned and will not be considered. Id. Plaintiff is advised that the amended complaint will replace the original complaint and will be the only**

**pleading this Court reviews.** *See, e.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005).

Plaintiff should not attach any exhibits to the amended complaint; all claims should be clearly set forth in the "Statement of Claim." Plaintiff may not assert any claims on behalf of other inmates. In addition, in the "Caption" of the amended complaint, plaintiff shall set forth the name of each defendant he wishes to sue; and in the "Statement of Claim," plaintiff shall start by typing the first defendant's name, and under that name, he shall set forth in separate numbered paragraphs the allegations supporting his claim(s) as to that particular defendant, as well as the right(s) that he claims that particular defendant violated and the capacity in which the defendant is being sued. Plaintiff shall proceed in this manner with each of the named defendants, *separately* setting forth each individual name and under that name, in numbered paragraphs, the allegations specific to that particular defendant and the right(s) that he claims that particular defendant violated. The amended complaint must contain short and plain statements showing that plaintiff is entitled to relief, the allegations must be simple, concise, and direct, and the numbered paragraphs must each be limited to a single set of circumstances. If plaintiff needs more space, he may attach additional sheets of paper to the amended complaint and identify them as part of the "Caption" or "Statement of Claim"; however, as

previously stated, plaintiff shall not attach any exhibits to the pleading. Plaintiff shall sign the amended complaint.

Plaintiff is reminded that he is required to submit his amended complaint on a court-provided form, and it must comply with Rules 8 and 10 of the Federal Rules of Civil Procedure. Plaintiff's failure to make specific and actionable allegations against any of defendant(s) will result in that individual's dismissal from this case.<sup>1</sup>

Last, if plaintiff fails to file an amended complaint on a Court form within thirty days in accordance with the Court's instructions, this action will be dismissed without prejudice and without further notice.

Accordingly,

**IT IS HEREBY ORDERED** that, with the exception of Walter W. Wallace, the Clerk shall **STRIKE** all other named plaintiffs from this action.

**IT IS FURTHER ORDERED** that, on or before November 14, 2015, plaintiff Walter W. Wallace shall file an amended complaint on a court-provided form, in accordance with the instructions set forth above. Plaintiff's failure to comply with this Order will result in the dismissal of this action, without prejudice and without further notice.

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<sup>1</sup>The Court will review plaintiff's amended complaint pursuant to 28 U.S.C. § 1915. A claim and/or defendant must survive § 1915 review in order for plaintiff to proceed in this lawsuit.

**IT IS FURTHER ORDERED** that the Clerk shall send plaintiff a court form for filing a prisoner complaint.

Dated this 20<sup>th</sup> day of October, 2015

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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE